

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RAGEN A. MCCLUEY,

Plaintiff,

v.

SKAGIT VALLEY PUBLIC HOSPITAL
DISTRICT NO. 1,

Defendant.

No. 2:17-cv-01243

PLAINTIFF'S MOTION TO
VOLUNTARILY DISMISS WITHOUT
PREJUDICE

(Clerk's Action Required)

I. RELIEF REQUESTED

Plaintiff Ragen A. McCluey moves the court for an order which provides the following relief:

1. Dismisses this action voluntarily and without prejudice.
2. Dismisses the action without an award of costs and without terms or conditions.

II. STATEMENT OF FACTS

This is an employment discrimination matter filed by the Plaintiff in August 2017. The Defendant has not filed an answer nor a motion for summary judgment. No counterclaims have been asserted in this matter.

III. STATEMENT OF THE ISSUE

The following issues are presented for resolution by the court:

- (1) *Whether Plaintiff's action should be dismissed voluntarily under Fed. R. Civ. P. 41(a)(1)(A) without prejudice; and*
- (2) *Whether plaintiff's action should be dismissed without an award of costs, terms or conditions.*

IV. EVIDENCE RELIED UPON

This motion is based on the pleadings in the record.

V. LEGAL AUTHORITY

The motion is made pursuant to Fed. R. Civ. P. 41(a)(1)(A), which provides in pertinent part:

(1) *By the Plaintiff.*

(A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment

CR 41(a)(1)(A). As the Defendant has not served an Answer nor made a Motion for Summary Judgment, the Court must dismiss the action without prejudice and without an award for costs, terms or conditions to either party.

VI. PROPOSED ORDER

A proposed order granting the relief requested accompanies this motion.

1 DATED this 18th day of September, 2017.

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3 RESPECTFULLY SUBMITTED:

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Attorney for Plaintiff Ragen A. McCluey

CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2017, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. Service will be completed to the following non-CM/ECF participants on September 18, 2017, via legal messenger service.

Michael Brunet
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s/ Jennifer Chong
Jennifer Chong, Legal Assistant

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